

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

R. Michael Best	:	
Keith Dougherty	:	
Docson Consulting LLC (SMLLC)	:	
Keith Dougherty Investments & Consulting	:	
LLC (SMLLC)	:	
	:	
	:	
Plaintiff(s),	:	Civil Action NO: 1:14-CV-922
	:	
v.	:	
U.S. Food Inc et al	:	
	:	Christopher Conner (Judge)
	:	
	:	Filed Electronically
	:	
	:	
Defendant(s),	:	Jury Trial Demanded
	:	
	:	
	:	
	:	

Plaintiff’s Motion to Strike U.S. Foods Inc. Motion to Dismiss and Enter Default against U.S. Foods Inc.

And now comes Keith Dougherty and R. Michael Best pro se and seek to strike Defendant U.S. Foods Inc.’s Motion to Strike as not compliant with Federal Pleading Requirements.

- 1. As Defendant was properly served through its Delaware Agent as of 5/14/2014 a response was due no later than 6/4/14.**

- 2. Counsel for Defense (4) entered appearance on or about 6/4/14-6/5/14.**

- 3. Counsel did file a motion to dismiss Doc. 16 6/4/2014 without supporting brief.**

LR 7.5 Submission of Briefs Supporting Motions.

If a supporting brief is not filed within the time provided in this rule the motion shall be deemed to be withdrawn.

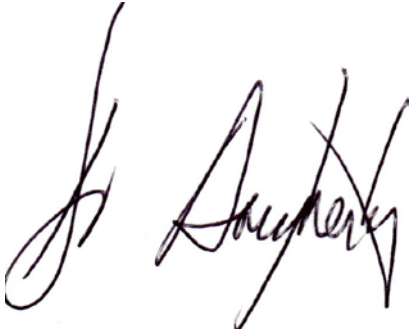
- 4. No motion or request to extend time to file having been sought the motion is deemed “withdrawn” under local rule.**
- 5. Having failed to plead and defend which requires more than “entry of appearance” default is in order.**

Prayer For Relief

As Defense Counsel for U.S. Food Inc., have failed to “timely respond” and or “file the supportive brief” required under Rule within the 21 days allowed by Congress (and their opponent has properly cited the Rules in opposition) their “motion to dismiss is stricken”; the clerk shall enter default against U.S. Foods Inc.

Only Supreme Court opinions are relevant.

Respectfully Submitted,



Keith Dougherty, CFP®, CLU®, IAR, EA
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Certificate of Nonconcurrency

**I Keith Dougherty do hereby certify by phone conversation with
U.S. Food Inc. Counsel Brian Watson does not concur.**

/S/Keith Dougherty

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

R. Michael Best pro se	:	
Keith Dougherty pro se	:	
President/Secretary of CUC of MD	:	
Inc. Maryland Close Corp (S Corp)	:	
(Director) of Ken & Jim CUC Inc.	:	
Wholly owned subsidiary of CUC of	:	
MD Inc.	:	
Docson Consulting LLC (SMLLC)	:	
	:	
Plaintiff(s),	:	
	:	
	:	
v.	:	Civil Action NO: 1: 14-CV-922
	:	14-CV-480
	:	
US Foods Inc. Delaware Division	:	
Cluck U Corp	:	
JP Haddad	:	
Richard Daniels	:	
Curtis Property Management aka	:	
“the landlord”	:	
	:	
Cumberland County Sheriff’s	:	
Department; Cumberland County	:	
Prothonotary	:	
	:	
President Judge Hess Cumberland	:	
County Common Pleas	:	Christopher Conner (Judge)
Judge Bratton Dauphin County	:	
Common Pleas	:	
	:	Filed Electronically
	:	
Defendant(s),	:	
	:	Jury Trial Demanded
	:	

Order

DEFAULT

AND NOW on this_____ day of June 2014, DEFAULT is hereby entered against defendant(s) U.S. Foods Inc. (Delaware Division) for failure to plead or otherwise defend pursuant to Rule 55(a) Federal Rules of Civil Procedure.

**US Foods Inc.
1209 ORANGE ST
Wilmington, DE 19801
(302)658-7581**

**Cc:
U.S. Foods Inc.
13 Rutledge
Drive Pittston PA18640**

Christopher Conner (Chief Judge)

Certification of Service

I Keith Dougherty doe hereby certify a copy of the foregoing was served by 1st class mail prepaid and by ECF where indicated;

**JP Haddad
Cluck U Corp
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Laurel, MD 20708
(301) 604-2535
Fax: (301) 604-2536**

**Cumberland County Sheriff's Department
Courthouse Square
Room 303
Carlisle, PA 17013**

**Cumberland County Prothonotary
Courthouse Square
Suite 100
Carlisle, PA 17013**

**College Park LLC
Curtis Property Management
5620 Linda Ln,
Camp Springs**

By ECF;

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Attorneys for Defendant

**US Foods, Inc., improperly sued as
US Foods Inc. Delaware Division**

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MARSHALL, DENNEHEY, WARNER,

COLEMAN & GOGGIN

/s/Timothy J. McMahon

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